

United States District Court

WESTERN DISTRICT OF WASHINGTON

PHILLIP A. MARLOW

JUDGMENT IN A CIVIL CASE

v.

SCOTT FRAKES

CASE NUMBER: C10-5085BHS

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

The Court adopts the Report and Recommendation; and

Marlow's § 2254 petition is **DISMISSED with prejudice** as time barred; and

Marlow is not entitled to a certificate of appealability.

August 27, 2010
Date

BRUCE RIFKIN
Clerk

s/CM Gonzalez
Deputy Clerk